



City of Rochester

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T. Andrew Brown
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December 17, 2014

Honorable Michael A. Telesca
United States District Court Judge
United States District Court
100 State Street, Room 272
Rochester, New York 14614

RE: John E. Howard, et al, v. Elisha Freedman, et al
74-CV-234 T

Dear Judge Telesca:

Please accept this letter as the City's annual report on the status of the Rochester Police Department (RPD) Consent Decree. The administration is committed to identifying and increasing the recruitment of minority police officer candidates while still maintaining the high quality of officers hired.

I am pleased to report that the RPD hired a very diverse class of new recruit officers, which began on February 10, 2014. This class had a total of 25 members, of which 15 were minority members. Since the Consent decree mandates that one minority candidate be hired for every 3 non-minority candidates, its requirement was met with the hiring of 3 minority recruits. Therefore, the additional 12 minority candidates considerably reduced the shortfall in minority hires from prior years.

As reported previously, from 2007 to 2010, there were significant shortfalls in the numbers of minorities being hired. As a consequence the City revamped its hiring and recruitment efforts, which began to show positive outcomes in the 2012 recruit class. As reflected in the 2012 report, at that time there was a shortfall of 23-26 minority hires, *not taking into account the attrition rate*.

For this report I determined that it was important to precisely quantify the minority hiring shortfall, rather than stating it as a range, and to take the attrition rate into account, since that is a stipulation of the Consent Decree. These calculations were done for the period of 2006 through 2014, and are detailed on the attached sheet captioned "RPD hiring 2006 to 2014."

There is currently an overall shortfall of 10 minority hires. A recruit class is planned for January of 2015; it is anticipated that hiring for the class will again reflect a high level of diversity, which will continue to aggressively address this shortfall.

A new minority sub-list was established based on the results of the police officer civil service examinations held in November and 2012 and 2013. It is from these examination results that the 2014 recruit class was drawn and the 2015 class is being drawn. As required by the Consent Decree, the demographic breakdowns of those examinations are also included as an attachment. An examination was recently held in November of 2014; therefore, there should continue to be a sufficient hiring pool of minority candidates to draw from in the near future.



Also attached for your consideration is a document that sets forth the statistical demographic information for the RPD and the recruitment strategies that have been employed by the RPD, in conjunction with the Department of Human Resource Management.

Mayor Warren, Chief Ciminelli, and I are committed to the Consent Decree and to finding new and innovative avenues to increase the representation of minority officers in the RPD. This letter is also being sent to Bryan Hetherington, attorney for the Empire Justice Center, and Lawrence Andolina, attorney for the Rochester Police Locust Club. I look forward to their continued support and welcome thoughts they may have on recruitment initiatives that will result in increased diversity in the RPD.

I trust this letter satisfies the City's reporting requirement. Should any further information from the City be needed, I am available at the Court's convenience.

Respectfully Submitted,



T. Andrew Brown

Enclosures

xc: Lovely Warren, Mayor
Leonard Redon, Deputy Mayor
Michael Ciminelli, Chief of Police
Bryan Hetherington, Esq.
Lawrence Andolina, Esq.

RPD hiring 2006 to 2014

<u>Year</u>	<u>Majority</u>	<u>Minority</u>	<u>Required for minority 1:3 hire ratio</u>	<u>With Attrition Factor</u>	<u>Running overage or shortfall</u>
2006 (August) Recruit class #46 Lateral class #26	27 (attrition 1) (3.70% rate)	14 (attrition1) (.518)	9 (+5)	0	+5
2007 (July) Recruit class #48 Lateral class #27	41 (attrition 2) (4.88% rate)	7 (attrition 2) (.342)	13 (-6)	-2	-3
2008 (February) Recruit class #49 Lateral class #28	29 (attrition 3) (1.34% rate)	3	9 (-6)		-9
2008 (August) Recruit class #50 Lateral class #29	37 (attrition 2) (5.40%rate)	3 (attrition1) (.310)	12 (-9)	-1	-19
2009 (February) Recruit class #51 Lateral class #30	38 (attrition 2) (5.26%rate)	6	12 (-6)		-25
2010 (February) Recruit class #52 Lateral class #31	20 	2	6 (-4)		-29
2010 (August) Recruit class #53 Lateral class #32	16 (attrition 1) (6.25% rate)	5 (attrition1) (.313)	5 (0)	-1	-30
2011 (no classes)					
2012 (July) Recruit class #55 Lateral class #34	12	16 (attrition 2)	4 (+12)	-2	-20
2013 (no classes)					
2014(February) Recruit class #58 Lateral class #37	10	15 (attrition 2)	3 (+12)	-2	-10

November 2012 Police Exam Demographic Breakdown

Minorities:

- 911 minorities applied to take the exam
- 394 minorities actually sat for the exam (43% of those who applied)
- 303 minorities passed the exam (77% passing rate)
- 340 minorities invited to the physical agility test
 - All passing this exam and 37 from previous process
- 201 minorities showed/participated in the physical agility test (59% of those invited)
- 76 minorities passed the physical agility exam (38% passing rate)

Non-Minorities:

- 1,470 non-minorities applied to take the exam
- 1,012 non-minorities actually sat for the exam (69% of those who applied)
- 957 non-minorities passed the exam (95% passing rate)
- 254 non-minorities invited to the physical agility test (100%, 95%, & 90% band)
- 117 non-minorities showed/participated in the physical agility test (46% of those invited)
- 66 non-minorities passed the physical agility exam (56% passing rate)

November 2013 Police Exam Demographic Breakdown

Minorities:

- 955 minorities applied to take the exam
- 394 minorities actually sat for the exam (41% of those who applied)
- 312 minorities passed the exam (79% passing rate)
- 327 minorities invited to the physical agility test
 - All passing this exam and 15 from previous process
- 190 minorities showed/participated in the physical agility test (58% of those invited)
- 103 minorities passed the physical agility exam (54% passing rate)

Non-Minorities:

- 1,380 non-minorities applied to take the exam
- 896 non-minorities actually sat for the exam (65% of those who applied)
- 853 non-minorities passed the exam (95% passing rate)
- 207 non-minorities invited to the physical agility test (100%, 95%, & 90% band)
- 111 non-minorities showed/participated in the physical agility test (54% of those invited)
- 88 non-minorities passed the physical agility exam (79% passing rate)

2014 Attachment
From Corporation Counsel T. Andrew Brown
to the Honorable Michael A. Telesca

Re: John E. Howard, et al, v. Elisha Freedman, et al
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Part 1. Current RPD Profile.

As of September 03, 2014, the Rochester Police Department (RPD) staffing profile includes:

Total # Sworn Police Officers: 732
Total # White: 552 (75.4%)
Total # Black/African American: 83 (11.3%)
Total # Hispanic/Latino: 80 (10.9%)
Total # Other: 17(Asian/PI/AN) (2.3%)
Total # Male: 646 (88%)
Total # Female: 86 (12%)

Part 2. Recent RPD Recruit Classes.

Since the August 2013 report the hiring figures for RPD have been as follows:

Recruit Class #58 (Hired on February 10, 2014)
Officers Hired: 25
Caucasian: 10
African American: 6
Hispanic: 7
Asian: 2
Native American: 0

Recruit Class #59 – Not attended

Part 3. RPD Recruitment Efforts.

The City of Rochester has developed a comprehensive recruitment program to recruit minority police officer candidates. The RPD has incorporated concepts from several Best Practices models from around the country. These models include:

Irvine, California Police Department- This model markets/focuses its recruitment campaign to ethnically and culturally diverse communities instead of covering the entire community with literature, resulting in high numbers of untargeted applicants.

Charlotte-Mecklenburg, North Carolina Police Department - This model actively recruits from the military and recruiters bring as much information as possible (applications,

testing schedule, police department information, medical releases and relocation information) to the recruitment site.

Madison, Wisconsin Police Department – This model is based on the need to recruit and test outside of the Madison jurisdiction. The recruitment team travels to targeted cities to recruit and alternative testing sites are established to minimize travel costs to Madison and minimize missed time from work for the applicants.

The RPD comprehensive recruitment model has six major components:

- Community Involvement and Partnerships
- High Visibility and Culturally Diverse Media Outreach
- Local and Regional Recruitment
- Targeted Recruitment for minority military personnel, college students and other qualified applicants
- On-going monitoring, tracking and evaluation process of recruitment and selection policies and practices
- School and College to Career Initiatives designed to assist high school and college students in transitioning to law enforcement and related public safety careers.

The recruitment components incorporate targeted local recruitment in ethnically diverse neighborhoods in Rochester, Buffalo, Syracuse, and cities with high minority populations in surrounding States. The RPD recruitment team recognizes the value in partnering with educational institutions, and community-based and faith-based organizations to effectively reach minorities. Special minority events, such as the Puerto Rican Youth Development Recruitment Career Fair and the Latino Health/Career Fair are a part of the community-outreach recruitment effort.

- The RPD Recruitment Unit consists of one police officer trained to enhance her ability to recruit the target population and reflect a personable and professional image of the Rochester Police Department. The recruiter was carefully selected to ensure sincere interest and commitment to a positive outcome of the recruitment process. The RPD also used an additional twelve police officers with diverse backgrounds who were specifically trained to attend church meetings, festivals, job fairs, college days and neighborhood gatherings to conduct recruitment efforts.

Recruitment activities are conducted at Monroe Community College Campuses, SUNY Brockport, Buffalo State College, Alfred State College, Erie Community College, Onondaga Community College, Finger Lakes Community College, Genesee Community College, Canisius College, Medaille College, University of Buffalo, Niagara County Community College and other colleges/universities within the New York State area. Upcoming recruitment efforts will continue to focus on colleges and universities with high minority enrollment.

RPD has attempted to overcome the barrier of the NYS Civil Service testing process which requires candidates to physically come to New York State to take the Police Officer Exam. RPD recruiters ensure that candidates are made aware of other locations in NYS that are offering the police officer exam and the cost and process for taking the exam at the alternate locations. Information is included on the RPD recruitment website to alert applicants to other testing locations and the process. City Civil Service partnered with RPD and did recruitment, and an exam at Fort Drum.

Media recruitment efforts include a wide range of multi-cultural advertising tailored to attract the target population. Specific activities include radio interviews on Rochester's WDKX and Kiss FM, as well as WUFO and WBLK in Buffalo. These radio stations have a majority of African-American listeners. Posters, brochures, billboards and bus advertisements feature minorities (actual RPD police officers) with the specific intent to send the message "minorities are a vital part of the Rochester Police Department and RPD is interested in recruiting more of them."

Recruitment Officers have conducted several television interviews to increase awareness of the recruitment process. Future recruitment efforts will continue to utilize the brochures and posters, with live interviews which personalize the recruitment effort and foster a positive connection with target populations.

Part 4. Process Review.

A review of the entire police officer recruitment and selection process has indicated that minority candidates are lost at each step, either due to self-elimination or process mandates. Based upon the analysis, RPD instituted additional applicant support activities including:

1. Application Assistance: The RPD Recruiter is available to assist individual candidates with any questions regarding the application and the application process.
2. Written Exam Preparation Sessions – Test taking is often stressful for candidates and particularly for candidates who have not taken tests in a while or who become anxious due to fear of not performing well. To assist candidates, RPD offers a series of Test Prep sessions that provide candidates with test taking strategies and opportunities to answer sample test questions similar in content and structure to questions that may appear on the actual exam.
3. Alternative Written Exam Location Information: New York Civil Service Law allows qualified applicants to take the Police Officer Exam at other locations in New York by completing the appropriate paperwork and paying a fee. Information pertaining to this process is issued to candidates and made available on the RPD recruitment website. This information assists candidates in identifying a New York State test location closer to their home and minimizes time lost from work and/or travel expenses to the Rochester testing location.

4. **Physical Agility Test (Cooper Fitness Test) Preparation Sessions-** The physical demands during police officer recruit training are quite rigorous and challenging. Each applicant must pass the Cooper Fitness Test as a part of the hiring process. RPD provides candidates with an opportunity to participate in specially designed training sessions to demonstrate the proper format for each of the exercises in the Cooper Fitness Test (push-ups for upper body strength, sit-ups for general body strength and 1.5 mile run for general endurance).
5. **Physical Fitness Preparation Video –** The Cooper Fitness Test requires a specific level of fitness based upon the applicant's age and gender. Applicants should be in good physical condition prior to attending the Physical Agility Prep Sessions. RPD has developed a Physical Fitness Preparation Video for candidates to use to assist in improving their fitness level to increase their success on the Cooper Test. The video is available on the RPD recruitment website. Applicants are encouraged to begin a physical fitness regimen as early as possible. The information may be accessed at <http://www.Rochesternypolice.com> and click on jobs.
6. **Medical Exam Information -**Candidates may have questions regarding the specific medical requirements that must be met for employment consideration as a Rochester Police Officer. The RPD recruitment website provides information regarding the medical standards and recommends applicants contact their personal physicians if they have any questions. This advance information will enable applicants to make medically informed decisions about becoming a police officer. The information may be accessed at <http://www.cityofrochester.gov/article.aspx?id=8589937332>.
7. **Background Questionnaire (BQ) Assistance -** Accurate and honest completion of the Background Questionnaire is a critical element in the police officer selection and hiring process. Applicants should put forth the best effort to answer all questions to the best of their ability. It is extremely important that applicants clearly understand what is being asked in order to respond accurately. RPD will provide opportunities for candidates to seek clarification on questions and/or the terminology utilized in the BQ prior to its submission.

Part 5. BHRM Recruitment.

In 2010, the City of Rochester Bureau of Human Resource Management (BHRM) began to manage the RPD Recruitment Unit. BHRM is within the office of the Deputy Mayor, Leonard E. Redon. Deputy Mayor Redon comes to the City with extensive experience in the private sector at Paychex, Inc. and Eastman Kodak Company. BHRM has developed the Minority Representation in City of Rochester Public Safety Departments Program that has allowed recruitment for the RPD, Rochester Fire Department (RFD) and the Emergency Communications Department (ECD) to consolidate. The goal of the consolidation is to centralize recruitment under one source and to present a unified front at all recruitment events. The consolidation focuses on the similarities in the public safety careers and leverages the City of Rochester's total recruitment resources. This

recruitment strategy also facilitates the exchange of information between the applicant database to reach minorities interested in more than one public safety career that may not have access to decision-making information on all public safety career options.

This new strategy was launched in 2010 and will emphasize the concept of transitioning from the candidates' current status to a career in public safety. Based upon a review of Rochester public safety past recruitment data, and in response to the RPD Consent Decree, qualified minorities in the following categories will be targeted for recruitment:

- Retiring/returning military from active duty
- High school and college graduates (2 and 4 year)
- Medical services (nurses, ambulance personnel)
- Athletes and fitness providers (fitness trainers, PE instructors, coaches)
- Career change personnel from compatible professions and skill areas
- Public safety personnel relocating to the Rochester area (seeking educational or employment opportunities)

In hopes of increasing the pool of qualified minority candidates RPD will continue to work closely with BHRM. RPD will conduct a recruitment training class that will involve twelve police officers, with diverse backgrounds who will assist with future recruitment efforts. These officers will then be used to attend church meetings, festivals and neighborhood gatherings.

Part 6. Law Enforcement Career Awareness Program

- Career Pathways to Public Safety Program:
 - The Public Safety program is a two-year program designed to better prepare students for post-secondary success in both college and the workforce, and to increase minority representation in the City of Rochester's uniformed divisions. The program offers 11th and 12th grade RCSD students an awareness and an opportunity in choosing a career path in the field of public safety. The program will provide training and education in the fields of law enforcement, fire safety, and emergency communications, and emergency medical treatment. The goal is to assist students in becoming viable candidates, and providing City entities with qualified and prepared candidates of diversity and local residency. The program began in September 2012.

Part 7. Police Recruit Education Program (PREP)

The mission of the Police Recruit Education Project (PREP) is to prepare students for a successful career in law enforcement with the Rochester Police Department. The curriculum includes post-secondary education and practical training and experience with the RPD, including participation in the mentorship program, part-time employment and job shadowing. The first year of PREP was marked with a number of successes. The

program has two previous cadets: one African American and one Caucasian from 2012, who have completed the police academy and are now in their field training phase (FTO). From 2013, the program has three cadets: one African American and two Hispanics, who have completed and passed all of the steps in the RPD hiring process and are now waiting for their final interview with the Chief of Police. PREP currently has 14 cadets. The make-up consists of eight African Americans, two Hispanics and four Caucasians. On November 15, 2014, all 14 cadets took the police civil service exam. PREP continues to hold weekly meetings, one-on-one sessions and physical fitness training sessions. All cadets receive a paid internship with the Police Department and are placed in various units within the department. Those placements include the Technical Services Section, the Central Investigation Division, the Property Clerk's Office and Auto Pound, the Patrol Divisions, the Neighborhood Services Centers, as well as Rochester Animal Services.

During the academic year, cadets are only allowed to work 10 hours per week, and 20 hours when school is not in session. Cadets were exposed to a number of law enforcement activities, such as officer assisted ride alongs, emergency task force role plays, special operation details, fundraisers, and community outreach events. In January 2015, 12 new cadets will begin the PREP program. PREP has provided mentorship training to a diverse group of 19 veteran police officers who will be assigned to a cadet throughout the program year and act as their mentors.

Part 8. Monitoring, Tracking and Evaluation.

RPD recognizes an effective recruitment strategy must include efforts to ensure the identified goals, timelines and activities are implemented as planned. Key steps will be included to prevent disorganization and failure to reach the prescribed goals.

Action Planning – A core leadership group has been identified to ensure the recruitment project remains on track and has adequate financial and human resources. The leadership group includes representatives from the RPD, RFD and BHRM. Community stake holders are included in the planning of specific community recruitment activities.

Monitoring – Each component of the recruitment project is monitored and progress is documented on a regular basis. Data is maintained to reflect the numbers and demographics of applicants involved in every phase of the recruitment and selection processes. The Leadership Group receives weekly figures on the number of applications submitted by gender, race and zip code. These numbers will be analyzed to determine the effectiveness of the recruitment activity and to minimize areas where potential candidates are unjustifiably lost or excluded from the selection process. RPD has already conducted a detailed analysis of the previous recruitment and selection process and identified specific areas where the number of minorities was not adequately represented or where high numbers of minorities self-eliminated out of the process or where excluded for compliance reasons.

Evaluation – A formal evaluation will be conducted to determine the overall effectiveness of the recruitment and selection process as it relates to the minority hiring goals. Each component will be evaluated on an on-going basis to determine where improvements, modifications or deletions should be made for the current or future recruitment efforts. Best practices models for law enforcement recruitment will assist RPD in evaluating and diagnosing its recruitment and selection policies and practices.